

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MOHAMMED S. HUSSEIN and ROZINA HUSSEIN,

Plaintiffs,

No. C 15-00907 WHA

v.

BANK OF NEW YORK MELLON fka THE BANK
OF NEW YORK, AS TRUSTEE ON BEHALF OF
THE HOLDERS OF THE ALTERNATIVE LOAN
TRUST 2007-OH2, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-OH2; NATIONAL
DEFAULT SERVICING CORPORATION; SELECT
PORTFOLIO SERVICING, INC.; and DOES 1–50
inclusive,

ORDER TO SHOW CAUSE

Defendants.

A previous order required plaintiffs to file their amended complaint by June 22 (Dkt. No. 32), which plaintiffs actually filed on July 1, nine days late. Then, plaintiffs’ counsel, Attorney Christopher Weston, failed to appear at the case management conference on July 2, instead sending a different lawyer, Attorney Vince Beirne, to “specially appear.” At the hearing, defense Attorney Bryan Hawkins informed the undersigned judge that he had called Attorney Weston twice regarding the parties’ joint case management statement, and had also sent Attorney Weston a follow-up email, but Attorney Weston failed to respond to any of these inquiries.


Attorney Weston is hereby **ORDERED TO SHOW CAUSE** as to why this case should not be dismissed for failure to prosecute for: (1) failing to timely file the amended complaint; (2) failing to cooperate with defense counsel in filing a joint case management statement (and failing

1 to file his own case management statement); and (3) failing to appear at the regularly scheduled
2 case management conference. Attorney Weston is also **ORDERED TO SHOW CAUSE** as to why he
3 (in his personal capacity, rather than his clients) should not pay the for the travel time incurred
4 by defense counsel as a result of the aborted case management conference. A hearing on this
5 OSC is set for **JULY 16, 2015, AT EIGHT A.M.**, at which Attorney Weston must appear in person.

6 As stated at the aborted case management conference, no schedule will be given at this
7 time. If the case does move forward after the OSC hearing, the parties will receive their
8 schedule at that time and the defense will receive a two-week extension to respond to the
9 amended complaint.

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11 **IT IS SO ORDERED.**

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13 Dated: July 2, 2015.

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16 WILLIAM ALSUP
17 UNITED STATES DISTRICT JUDGE
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